

EXHIBIT A

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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Richard Di Donato, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; Michael L. Babich;
Darryl S. Baker; and John N. Kapoor,

Defendants.

No. 16-cv-00302-NVW

CLASS ACTION

**THE PLAINTIFF CLASS'S
WITNESS LIST**

**EXHIBIT  TO PROPOSED
FINAL PRETRIAL ORDER FOR
JURY TRIAL**

A. The Plaintiff Class’s Witnesses Who Shall Be Called at Trial

The following is a list of witnesses that the Plaintiff Class shall call at trial, and it includes: (a) the names of witnesses; (b) their addresses; (c) whether they are fact or expert witnesses, or both; and (d) a brief description of the expected testimony of each witness, subject to the Court’s further rulings, including on the parties’ respective Motions In Limine.

NO.	NAME AND ADDRESS ¹	BRIEF DESCRIPTION OF TESTIMONY
	Michael L. Babich* 18391 N 97TH PL, Scottsdale, AZ, 85255 c/o Russell Piccoli RUSSELL PICCOLI PLC 701 N. 44th Street Phoenix, AZ 85008 (Fact Witness)	Defendant Michael L. Babich was a former CEO of Insys. He will testify to: <ul style="list-style-type: none"> Defendants’ public statements The promotion, marketing, and/or sale of Subsys, including through the Speaker Program and approval of Subsys prescriptions through the Insurance Reimbursement Center, during his tenure The sources and “key factors” in Insys’ revenues and growth from selling Subsys in FY2014, including “bribery,” “non-oncology” initiatives, and the “Factor” Subsys prescribers, including so-called “whales” and internal ROI analyses to track Subsys prescribers Any other matters set forth in his deposition and Boston Trial² testimony
	Alec Burlakoff* 11800 S. Gardens Dr., Apt. # 101 Palm Beach Gardens, FL 33418	Alec Burlakoff was Insys’ former Vice President of Sales. He will testify to: <ul style="list-style-type: none"> The promotion, marketing, and/or sale of Subsys, including through the Speaker Program and approval of

¹ Witnesses marked with an asterisk (*) include non-party witnesses that are currently expected to appear by videotaped deposition, as well as parties as to who the Plaintiff Class reserves its right to seek to introduce videotaped deposition testimony pursuant to Fed. R. Civ. P. 32.

² “Boston Trial” means the 2019 criminal jury trial before Hon. Allison D. Burroughs in Boston, Massachusetts, in the case styled *United States v. Kapoor, et al.*, No. 16-cr-10343-ADB (D. Mass.).

1 2 3 4 5 6 7 8	(Fact Witness)	<p>Subsys prescriptions through the Insurance Reimbursement Center, during his tenure</p> <ul style="list-style-type: none"> Defendants' knowledge of the alleged fraud and participation in same The organization and compensation structure of Insys and its sales division Subsys prescribers, including so-called "whales" and internal ROI analyses to track Subsys prescribers Any other matters set forth in his Boston Trial testimony³
9 10 11 12 13 14 15 16 17 18 19 20	<p>Chad Coffman, CFA Global Economics Group, LLC 140 S. Dearborn St. Suite 1000 Chicago, IL 60603</p> <p>c/o KESSLER TOPAZ, MELTZER & CHECK, LLP 280 King of Prussia Road, Radnor, PA 19087</p> <p>(Expert Witness)</p>	<p>The opinions set forth in the expert's Loss Causation and Damages reports, including:</p> <ul style="list-style-type: none"> The artificial inflation in the price of Insys' stock during the Class Period The causes of the losses the Plaintiff Class suffered The damages sustained by the Plaintiff Class on a per share basis Any other matters set forth in his July 26, 2019 and November 1, 2019 merits reports If the Court determines that the jury should decide whether the market for Insys common stock was efficient during the Class Period, Mr. Coffman will testify to that issue as well as any other matters set forth in his August 31, 2018 and November 30, 2018 class certification reports
21 22 23 24 25	<p>Harris L. Devor, CPA Friedman LLP 2000 Market Street Suite 500 Philadelphia, PA 19103</p> <p>c/o KESSLER TOPAZ, MELTZER & CHECK, LLP</p>	<p>The opinions set forth in the expert's report, including:</p> <ul style="list-style-type: none"> The sources of Subsys prescriptions, sales, and revenue growth in FY2014 Insys' use of the "Factor" The percentage of Subsys prescriptions (and associated revenues) written by HCPs during FY2014

³ Mr. Burlakoff invoked his Fifth Amendment privilege against self-incrimination in his June 21, 2019 deposition in this matter and, as a result, has not provided testimony in this Action.

1	280 King of Prussia Road, Radnor, PA 19087	<ul style="list-style-type: none"> Any other matters set forth in this his July 26, 2019 and November 1, 2019 merits reports
2	(Expert Witness)	
3	John N. Kapoor* 6610 N 29th Pl. Phonenix, AZ, 85016	Defendant John N. Kapoor is the founder of Insys and its former CEO.
4	c/o Brian T. Kelly NIXON PEABODY LLP	<ul style="list-style-type: none"> Consistent with the position he has taken throughout this litigation, the Plaintiff Class expects Defendant Kapoor to invoke his Fifth Amendment privilege against self-incrimination in response to any questioning at trial.
5	Exchange Place 53 State Street Boston, MA 02109	<ul style="list-style-type: none"> Further, the Plaintiff Class takes the position that because Defendant Kapoor has invoked his Fifth Amendment privilege against self-incrimination in response to interrogatories, requests for admission, and deposition questions, Defendant Kapoor is precluded from introducing evidence or eliciting testimony at trial concerning his state of mind.
6	(Fact Witness)	
7	Nellie Oquendo** ⁴ 13260 N. 13th St. Phoenix, AZ 85022	Nellie Oquendo was Defendant Kapoor's former Personal Assistant. She will testify to:
8	(Fact Witness)	<ul style="list-style-type: none"> Communications sent to and from Defendant Kapoor Defendant Kapoor's schedule, including periodic meetings with Insys executives The source and authenticity of EJ Financial records Any other matters in her Boston Trial testimony
9	Brian Pipko* 225 Poinciana Dr. Jupiter, FL 33458	Brian Pipko was Insys' former Vice President of Oncology. He will testify to:
10	(Fact Witness)	<ul style="list-style-type: none"> Subsys prescriptions, sales, and revenues generated by the oncology territory during FY2014

⁴ Witnesses marked with two asterisks (**) are currently expected to be available for trial based on the Plaintiff Class's understanding of where they reside. The Plaintiff Class reserves the right to present designated prior testimony given by these witnesses if they become unavailable (as defined by the Federal Rules) before trial in this Action.

		<ul style="list-style-type: none"> • The change in leadership for the oncology territory in October 2014 • The sales and marketing tactics utilized in the oncology territory in 4Q2014 • Any other matters in his deposition testimony
	Xun Yu* c/o Michael Roundy BULKLEY RICHARDSON AND GELINAS, LLP 1550 Main Street, Suite 2700 Springfield, MA 01115 (Fact Witness)	Xun (Sean) Yu was Insys' former Director of Sales Operations. He will testify to: <ul style="list-style-type: none"> • The Plaintiff Class does not expect Mr. Yu to be available for trial in this matter. • Mr. Yu invoked his Fifth Amendment privilege against self-incrimination in response to questioning at his June 20, 2019 deposition. Accordingly, Mr. Yu is precluded from providing any substantive testimony at trial in this matter.

B. The Plaintiff Class's Witnesses Who May Be Called at Trial

The following is a list of witnesses that the Plaintiff Class may call at trial, and it includes: (a) the names of witnesses; (b) their addresses; (c) whether they are fact or expert witnesses, or both; and (d) a brief description of the expected testimony of each witness, subject to the Court's further rulings, including on the parties' respective Motions In Limine:

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	Heather Alfonso* 6728 Coastal Oaks Dr. Conway, SC 29527-6413 (Fact Witness)	Heather Alfonso was a HCP that prescribed Subsys. She will testify to: <ul style="list-style-type: none"> • Participation in, and receipt of funds from, the Speaker Program • Defendants' knowledge of the alleged fraud • Any other matters in her Boston Trial testimony
	Gavin Awerbuch* 10 S. Lakeshore Dr.	Gavin Awerbuch was a HCP that prescribed Subsys. He will testify to:

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	Hypoluxo, FL 33462-6003 (Fact Witness)	<ul style="list-style-type: none"> • Participation in, and receipt of funds from, the Speaker Program • Defendants' knowledge of the alleged fraud, including personal meetings with Defendants • Any other matters in his Boston Trial testimony
	Susan Beisler* 20 Hines Ave. Mahwah, NJ 07430-1125 (Fact Witness)	Susan Beisler was a former Insys Sales Representative. She will testify to: <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement Center, during her tenure • Defendants' knowledge of the alleged fraud, including personal meetings, phone calls, and correspondence with Defendant Kapoor • Any other matters in her Boston Trial testimony
	Jessica Bradley* 1908 Keswick Ct. Pearland, TX 77581-6534 (Fact Witness)	Jessica Bradley was a former Insys Area Business Liaison ("ABL") and Sales Representative. She will testify to: <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement Center, during her tenure with respect to at least Heather Alfonso, Christopher Clough, and Jerrold Rosenberg • Any other matters in her Boston Trial testimony
	Holly Brown* 1255 S. Michigan Ave., Apt. 2205 Chicago, IL 60605	Holly Brown was a former Insys Sales Representative. She will testify to: <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	(Fact Witness)	<p>Subsys prescriptions through the Insurance Reimbursement Center, during her tenure with respect to at least Paul Madison</p> <ul style="list-style-type: none"> Any other matters in her Boston Trial testimony
	<p>David Bucher 2941 N. 72 St. Mesa, AZ 85207</p> <p>(Fact Witness)</p>	<p>David Bucher was a former Insys Sales Operations Analyst, Business Intelligence Manager: He will testify to:</p> <ul style="list-style-type: none"> The sources of Subsys prescriptions, sales, and revenue growth in FY2014 Insys' use of the "Factor" The percentage of Subsys prescriptions (and associated revenues) written by HCPs during FY2014 The methods for tracking and reporting Subsys prescriptions and revenues attributable thereto
	<p>Kimberly Fordham** 3001 W. Sella Ln. Phoenix AZ 85032-8041</p> <p>(Fact Witness)</p>	<p>Kimberly Fordham was former Prior Authorization specialist at Insys. She will testify to:</p> <ul style="list-style-type: none"> The prior approval process through the Insurance Reimbursement Center, including tactics to mislead insurers during her tenure Any other matters in her Boston Trial testimony
	<p>Oliver Gauthier* 3541 Topeka Springs Trl. Bethlehem, GA 30620-4757</p> <p>(Fact Witness)</p>	<p>Oliver Gauthier was a former District Sales Manager at Insys. He will testify to:</p> <ul style="list-style-type: none"> The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement Center, during his tenure with respect to at least Dr. Mahmood Ahmad Defendants' knowledge of the alleged fraud and participation in same

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
		<ul style="list-style-type: none"> Any other matters in his Boston Trial testimony
	<p>Elizabeth Gurrieri⁵ 17978 E. Paseo Del Canto Gold Canyon, AZ 85118-7512</p> <p>c/o Emily F. Hodge CHOATE, HALL & STEWART LLP Two International Place Boston, MA 02110</p> <p>(Fact Witness)</p>	<p>Elizabeth Gurrieri was the former head of Insys' Insurance Reimbursement Center. She will testify to:</p> <ul style="list-style-type: none"> The creation of the Insurance Reimbursement Center The prior approval process through the Insurance Reimbursement Center, including tactics to mislead insurers during her tenure Any other matters in her Boston Trial testimony
	<p>Bridget Horan* 53 Elm St., Apt. 2 Somerville, MA 02143-2234</p> <p>(Fact Witness)</p>	<p>Bridget Horan is an FBI Forensic Accountant. She will testify to:</p> <ul style="list-style-type: none"> The process for creating summary exhibits of Subsys prescription and revenue data Any other matters in her Boston Trial testimony
	<p>Beth McKey* 130 Glen Alden Cir. Oxford, MS 38655-2778</p> <p>(Fact Witness)</p>	<p>Beth McKey was a former Regional Sales Director at Insys. She will testify to:</p> <ul style="list-style-type: none"> The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement during her tenure Defendants' knowledge of the alleged fraud and participation in same, including participation in daily meetings with Defendants Any other matters in her Boston Trial testimony

⁵ Ms. Gurrieri has pled guilty to criminal charges in connection with her employment at Insys. On June 10, 2020, Ms. Gurrieri was sentenced to three years of supervised release. Because it is unclear whether Ms. Gurrieri will be available to testify at any trial in this matter, the Plaintiff Class has provided deposition designations for her Boston Trial testimony.

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	<p>Matthew Napoletano*</p> <p>11 Norman Pl.</p> <p>Buffalo, NY 14226-4230</p> <p>c/o Arthur P. Fritzinger</p> <p>COZEN O'CONNOR LLP</p> <p>1650 Market St., Suite 2800</p> <p>Philadelphia, PA 19103</p> <p>(Fact Witness)</p>	<p>Matthew Napoletano was Insys' former Vice President of Marketing. He will testify to:</p> <ul style="list-style-type: none"> The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement Center during his tenure Any other matters in his Boston Trial testimony
	<p>Maury Rice**</p> <p>2214 W. Los Arboles Pl.</p> <p>Chandler, AZ 85224</p> <p>(Fact Witness)</p>	<p>Maury Rice was Insys' former head of Information Technology. He will testify to:</p> <ul style="list-style-type: none"> The source and authenticity of Insys' records The creation of business records at Insys during his tenure Any other matters in his Boston Trial testimony
	<p>John Russell</p> <p>150 Tuscany Dr.</p> <p>Middletown, DE 19709</p> <p>c/o KESSLER TOPAZ,</p> <p>MELTZER & CHECK, LLP</p> <p>280 King of Prussia Road,</p> <p>Radnor, PA 19087</p> <p>(Expert Witness)</p>	<p>The opinions set forth in the expert's reports, including:</p> <ul style="list-style-type: none"> Whether the purportedly "very unique" programs Insys implemented to raise awareness about Subsys among oncologists were unique as compared to the pharmaceutical industry, Insys' TIRF competitors, or Insys' pain division Any other matters set forth in his July 26, 2019 and November 1, 2019 merits reports
	<p>Kevin Sharpsten*</p> <p>13936 Black Rock Circle</p> <p>Moorpark, CA 93021</p> <p>(Fact Witness)</p>	<p>Kevin Sharpsten was Insys' former Senior Analyst Sales Operations, Business Intelligence. Mr. Sharpsten will testify to:</p> <ul style="list-style-type: none"> The sources of Subsys prescriptions, sales, and revenue growth in FY2014 The percentage of Subsys prescriptions (and associated

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
		<p>revenues) written by HCPs during FY2014</p> <ul style="list-style-type: none"> • The methods for tracking and reporting Subsys prescriptions, sales, and revenues attributable thereto • Any other matters set forth in his deposition testimony
	<p>Brett Szymanski* 2321 Meadow Ct. Leonard, MI 48367</p> <p>(Fact Witness)</p>	<p>Brett Szymanski was a former Insys Sales Representative. He will testify to:</p> <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys, including through the Speaker Program, and approval of Subsys prescriptions through the Insurance Reimbursement Center, during his tenure with respect to at least Dr. Gavin Awerbuch • Any other matters in his Boston Trial testimony
	<p>Custodian of Records of Insys Therapeutics, Inc. c/o WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, NY 10153</p> <p>(Fact Witness)</p>	<p>The Custodian of Records of Insys Therapeutics, Inc. will testify to:</p> <ul style="list-style-type: none"> • The source and authenticity of Insys' records
	<p>Custodian of Records of E.J. Financial Enterprises, Inc. c/o Charles W. Rankin RANKIN & SULTAN 151 Merrimac Street, 2nd Floor Boston, MA 02114</p> <p>(Fact Witness)</p>	<p>The Custodian of Records of E.J. Financial Enterprises, Inc. will testify to:</p> <ul style="list-style-type: none"> • The source and authenticity of E.J. Financial Enterprises, Inc.'s records

C. The Plaintiff Class's Witnesses Who Are Unlikely to Be Called at Trial

The following is a list of witnesses that the Plaintiff Class may, but is unlikely to, call at trial, and it includes: (a) the names of witnesses; (b) their addresses; (c) whether

they are fact or expert witnesses, or both; and (d) a brief description of the expected testimony of each witness, subject to the Court's further rulings, including on the parties' respective Motions In Limine:

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	<p>Darryl S. Baker*</p> <p>14805 S 7TH WAY, Phoenix, AZ, 85048</p> <p>c/o George J. Coleman</p> <p>SALMON, LEWIS & WELDON, P.L.C.</p> <p>2850 E. Camelback Road, Suite 200</p> <p>Phoenix, AZ 85016</p> <p>(Fact Witness)</p>	<p>Defendant Darryl S. Baker was the former CFO of Insys. He will testify to:</p> <ul style="list-style-type: none"> • Matters set forth in his deposition testimony
	<p>Adam Brumm</p> <p>1241 W. Calle Del Norte</p> <p>Chandler, AZ 85224</p> <p>c/o Bryan Ketrosier</p> <p>ALTO LITIGATION, PC</p> <p>4 Embarcadero Center, Suite 1400</p> <p>San Francisco, CA 94111</p> <p>(Fact Witness)</p>	<p>Adam Brumm was Insys' former Director of IT. He will testify to:</p> <ul style="list-style-type: none"> • Matters set forth in his deposition testimony
	<p>Danielle Davis</p> <p>Heron Therapeutics, Inc.</p> <p>4242 Campus Point Court</p> <p>Suite 200</p> <p>San Diego, CA 92121</p> <p>(Fact Witness)</p>	<p>Danielle Davis was Insys' former Director of Compliance. The subject of Ms. Davis's testimony (as identified by Defendants) is the subject of one of the Plaintiff Class's in limine motions.</p>
	<p>Franco Del Fosse</p> <p>2907 E. Arrowhead Tr.</p> <p>Gilbert, AZ 85297-5270</p> <p>c/o WEIL, GOTSHAL & MANGES LLP</p>	<p>Franco Del Fosse was Insys' former General Counsel. The subject matter of Mr. Del Fosse's testimony (as identified by Defendants) is the subject of one of the Plaintiff Class's in limine motions.</p>

NO.	NAME AND ADDRESS	BRIEF DESCRIPTION OF TESTIMONY
	767 Fifth Avenue New York, NY 10153 (Fact Witness)	
	Mark Hein 3412 E. Canyon Way Chandler, AZ 85249-5937 (Fact Witness)	Mark Hein was Insys' former Senior Director of Marketing. He will testify to: <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys
	Desiree Hollandsworth 18548 E. Ranch Rd. Queen Creek, AZ 85142-5399 (Fact Witness)	Desiree Hollandsworth was Insys' former Associate Director, Medical Marketing Communications. She will testify to: <ul style="list-style-type: none"> • The promotion, marketing, and/or sale of Subsys, including through the Speaker Program
	Eric Kizior 3032 E. Thunderhill Pl. Phoenix, AZ 85048-8774 c/o Bryan Ketrosier ALTO LITIGATION, PC 4 Embarcadero Center, Suite 1400 San Francisco, CA 94111 (Fact Witness)	Eric Kizior is Insys' former Vice President, Commercial Sales, Marketing and Operations. He will testify to: <ul style="list-style-type: none"> • Matters set forth in his deposition testimony
	Clark Miller (Fact Witness)	Clark Miller is the Court-appointed Class Representative in this action. Plaintiff Class asserts that Mr. Miller's testimony is not necessary (and would be confusing, misleading, and prejudicial) to adjudicate the class-wide claims at trial. If required to testify, he will testify to: <ul style="list-style-type: none"> • His transactions in Insys Common Stock during the Class Period • Any other matters set forth in his deposition testimony